

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of: )  
 )  
SAEID SHAFIZADEH )  
 )  
COMPLAINANT )  
 )  
v. )  
 )  
CINGULAR WIRELESS-KENTUCKY )  
 )  
DEFENDANT )

CASE NO.: 2003-00400

RECEIVED

AUG 16 2004

PUBLIC SERVICE  
COMMISSION

MOTION FOR ENLARGEMENT OF TIME TO CONDUCT DISCOVERY  
AND MOTION FOR LEAVE TO SERVE NOTICE TO TAKE DEPOSITION

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Complainant, Saeid Shafizadeh, moves the Public Service Commission ("PSC") for enlargement of times set by the scheduling order of July 8, 2004; and for leave to serve notice to take deposition of three employees of the defendant Cingular Wireless-Kentucky ("Cingular"), and to secure the statement of the Commission's Director of Consumer Services who made unsuccessful efforts to resolve the service issues complained of herein. The grounds upon which the motions rest are more fully explained below.

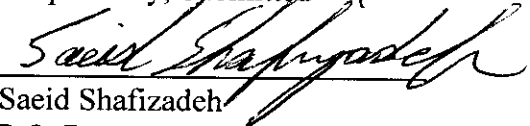
Cingular has filed its responses to the complainant's first set of interrogatories and request for production of documents. The document filed, is riddled with non-responsive and evasive answers; it avoids disclosure of the most basic record such as the complete pay history of the complainant, records which were sought before with no avail.(see Exhibit 10 of Complaint). Accordingly, in the absence of good faith effort to provide responses to the complainant's discovery requests, he would be in a distinct disadvantage at the hearing. Additionally, to

compel Cingular to provide the discovery sought, a hearing may have to be scheduled to resolve all discovery disputes.

The complainant also moves for leave to take the deposition of the following employees of the Cingular: a) Jason Spears, b) April Burns, and c) Errol S. Phipps, all of whom are material witnesses who have knowledge of facts, files, writings, books, papers and documents of the defendant Cingular pertaining to transactions between defendants and complainant, as such, they are material witnesses whose depositions are also essential to the fair resolution of the instant complaint. Complainant also need to secure the statement of the Ms. Ginny Smith, Director of Consumer Services, whose unsuccessful involvement to resolve the dispute at early stages would clarify the core of the service problems of Cingular.

WHEREFORE, complainant prays that the Commission grant his motions by entering an order enlarging the scheduling order times pending resolution of the discovery disputes and granting complainant leave to file notice to take the deposition of the said persons.


Respectfully, Submitted

  
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served in U.S. Mail with First Class postage prepaid on this August 14, 2004, addressed to:

Mary Elizabeth Naumann  
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175 East Main Street, Suite 500  
Lexington, Kentucky 40507

  
Saeid Shafizadeh